

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 PPT-01 SCA-01 SCS-03 L-03 CIAE-00
 INR-07 NSAE-00 CPR-01 VO-03 JUSE-00 INSE-00 SS-15
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R 280933Z JAN 77 ZFG ZEL
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 6261
INFO AMEMBASSY COPENHAGEN
AMEMBASSY LONDON
AMEMBASSY BERLIN
AMEMBASSY MOSCOW
AMEMBASSY PRAGUE
AMEMBASSY BUDAPEST
AMEMBASSY BUCHAREST
AMEMBASSY BELGRADE
AMEMBASSY SOFIA
AMCONSUL FRANKFURT
AMCONSUL KRAKOW UNN
AMCONSUL POZNAN UNN

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(CORRECTED COPY 1ST SENTENCE PARA 4.)

E.O. 11652: N/A
TAGS: CPAS PFOR CSCE PL
SUBJ: U.S. PASSPORTS FOR POLISH AMERICAN DUAL NATIONALS

1. IN RESPONSE TO AN INQUIRY, AN MFA CONSULAR DEPARTMENT OFFICIAL
TOLD EMBASSY OFFICERS ON JANUARY 14 THAT DUAL NATIONALS OF U.S.
AND POLAND OTHER THAN THOSE VISITING POLAND WITH POLISH VISAS IN
AMERICAN PASSPORTS, MAY NO LONGER HOLD AMERICAN PASSPORTS WHEN
PASSING THROUGH POLISH PASSPORT INSPECTION. THIS DECISION TER-
MINATES AN INFORMAL UNDERSTANDING AT THE WORKING LEVEL WHICH HAD
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PERMITTED SUCH DUAL NATIONALS TO EXIT POLAND BOTH AS EMIGRANTS
AND NONEMIGRANTS USING POLISH PASSPORTS, BUT BEARING US PASS-
PORTS IN ENVELOPES SEALED BY THE EMBASSY FOR PRESENTATION ONLY
TO USINS AT THE US PORT OF ENTRY.

2. BEGINNING EARLY IN 1976 AND WITH INCREASING FREQUENCY SINCE
THEN, DUAL NATIONALS RESIDENT IN POLAND HAVE BEEN STOPPED BY

POLISH AUTHORITIES WHEN THEY WERE FOUND TO POSSESS PASSPORTS OF BOTH POLAND AND THE UNITED STATES. POLISH PASSPORTS WERE RETURNED TO THE ISSUING OFFICE AND US PASSPORTS TO THE EMBASSY AFTER A FEW WEEKS. THE EMBASSY INITIALLY ASSUMED THESE TO BE SIMPLE CASES OF HARASSMENT. WHEN THE NUMBER OF CASES ROSE, HOWEVER, WE SOUGHT ASSURANCES FROM THE MFA THAT THE UNDERSTANDING OF SEVERAL YEARS' STANDING REMAINED IN EFFECT. THE INITIAL IEIFORMJ REPLY WAS POSITIVE, BUT THE MFA ASKED FOR A DIPLOMATIC NOTE (C 43 OF AUGUST 31, 1976) IDENTIFYING THE DOCUMENT INSERTED IN LIEU OF AMERICAN VISAS IN THE POLISH PASSPORTS OF SSUH PERSONS. NOW, CITING THE NATIONAGBTY LAW AS AMENDED IN 1962, WHICH STATES THAT A POLISH CITIZEN MAY NOT BE QUOTE REGARDED UNQUOTE AS A CITIZEN OF ANOTHER NATION, THE GOP HAS REPLIED ORALLY THAT EVEN POSSESSION OF A FOREIGN PASSPORT IS PROHIBITED. IN RESPONSE, EMBASSY OFFICERS NOTED THAT THE CITATION DPC NOT APPEAR TO SUPPORT THIS CONCLUSION AND EXPRESSED SURPRISE THAT THE GOP WOULD TAKE AN ACTION SO CONTRARY TO FACILITATION OF TRAVEL, PARTICULARLY AT THIS TIME (PRE-BELGRADE). THE MFA OFFICIAL REPLIED THAT, ON THE CONTRARY, POLAND HISSUES VISAS IN FOREIGN PASSPORTS HELD BY POLISH CITIZENS RESIDING ABROAD AND SEES NO REASON WHY THE US SHOULD REFUSE TO DO SO. THEY UNDERSTOOD PERFECTLY WELL THAT OUR REGULATIONS WILL REQUIRE OUR NATIONALS TO STOP AT INTERMEDIATE POINTS IN WESTERN EUROPE AT GREAT EXPENSE AND PERSONAL INCONVENIENCE TO PICK UP US PASSPORTS BEFORE THEY CAN PROCEED TO THE US. THE MFA OFFICIAL CHARACTERIZED THE US REQUIREMENT AS UNNECESSARILY RESTRICTIVE.

3. COMMENT: THE NEW PROHIBITION ON POSSESSION OF US PASSPORTS IS LIMITED OFFICIAL USE

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NOT YET CONSISTENTLY ENFORCED. THE EMBASSY IS CONTINUING TO ISSUE PASSPORTS TO SUCH TRAVELERS, BUT IS ISSUING PRO-FORMA TOURIST VISAS IN EVERY CASE RATHER THAN USING THE INFORMAL NOTE OF ELIGIBILITY FOR ENTRY REFERRED TO ABOVE. AT PRESENT ONLY ABOUT ONE OR TWO OF OUR ROUGHLY TWENTY CASES PER MONTH ARE BEING STOPPED BY PASSPORT CONTROL OFFICIALS AT THE AIRPORT IN WARSAW. NO CASES ARE KNOWN TO HAVE OCCURRED AT OTHER PORTS OF DEPARTURE. END COMMENT.

4. ACTION REQUESTED: THERE ARE NOW NON-STOP FLIGHTS FROM WARSAW TO NEW YORK, AND STOPS IN WESTERN EUROPE ARE VERY EXPENSIVE FOR THOSE WHO HAVE LIMITED ACCESS TO HARD CURRENCIES. FOR THESE REASONS AND BECAUSE WE HAVE SET UP A SIMILAR PROCEDURE FOR IMMIGRATING ALIENS (CHAMELEONS), THE EMBASSY URGES THE DEPARTMENT TO SEEK THE AGREEMENT OF THE ATTORNEY GENERAL TO PERMIT ENTRY TO THE U.S. OF AMERICAN CITIZENS ARRIVING FROM POLAND WITHOUT PASSPORTS, OR ALTERNATIVELY, INS AGREEMENT TO RECEIVE AND HOLD FOR ARRI QAL THE US PASSPORTS OF SUCH TRAVELERS. THE EMBASSY WOULD ISSUE PRO-FORMA TOURIST VISAS IN THE POLISH

PASSPORTS IN ACCORDANCE WITH APPA 41.25.

5. PERMANENT LEGAL RESIDENT ALIENS HAVE OCCASIONALLY HAD
SIMILAR PROBLEMS LEAVING POLAND WITH RE-ENTRY PERMITS. THE
EMBASSY WOULD LIKE TO HAVE THE SAME ARRANGEMENT AVAILABLE WITH
INS AS IS DESIRED FOR DUAL NATIONALS.

6. FINALLY, DEPARTMENT MIGHT ALSO WISH TO EXPRESS TO THE
POLISH EMBASSY IN WASHINGTON OUR DISAPPOINTMENT OVER THIS NEW
IMPEDIMENT TO TRAVEL BETWEEN THE U.S. AND POLAND.
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